

Proceedings of the Arizona Game and Fish  
Commission License Revocation and Civil  
Assessment Hearings  
Time Certain – 2:00 p.m.  
Friday, June 14, 2013  
Mazatzal Hotel & Casino  
Highway 87, Mile Marker 251  
Payson, Arizona 85541

PRESENT: (Commission)

(Director's Staff)

Chairman John W. Harris  
Commissioner Robert E. Mansell  
Commissioner Kurt R. Davis  
Commissioner Edward "Pat" Madden

Director Larry D. Voyles  
Deputy Director Ty E. Gray  
Assistant Attorney General Jim Odenkirk  
Assistant Attorney General Linda Pollock

Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments  
for the Illegal Taking and/or Possession of Wildlife

**Presenter:** Gene Elms, Law Enforcement Branch Chief

Mr. Elms presented the cases below to the Commission. Each of these cases were reviewed and it was determined that all cases met the criteria established in A.R.S. §17-238, §17-245 §17-314, §17-340, §17-362, §17-363 and/or §17-502 for Commission action. The Commission and the respondents were provided with copies of the original court docket and case reports prepared by the officers along with copies of all other pertinent materials in each of these cases. Each of the following individuals was legally noticed for this hearing.

Name	Docket #	Count	Conviction
Gilbert Ozuna	2013-0020	Count A:	Take Wrong Species (Mule Deer)
James J. Apodaca	2013-0021	Count A:	Take Wrong Species (Mule Deer)
Richard L. Thomas	2013-0035	Count A:	Possess Unlawfully Taken Wildlife (Whitetail Deer)
		Count B:	Possess/Use Tag of Another
		Count D:	Take Wrong Unit (Whitetail Deer)
Brian L. Bleyenber	2013-0036	Count B:	Possess Unlawfully Taken Wildlife (Deer)
Joseph M. Chavez	2013-0037	Count A:	Possess Wildlife Without Valid Tag (Deer)
Fred E. Oslie	2013-0038	Count A:	Take Wildlife Without Valid License (Dove)
Roger J. Sikorske	2013-0039	Count A:	Obtain 2010 Resident License by Fraud
			<b>Citation 230541</b>
Howard B. Smith	2013-0040	Count A:	Obtain 2011 Resident License by Fraud
		Count B:	Obtain 2011 Resident Elk Tag by Fraud
			<b>Citation 230540</b>
		Count A:	Obtain 2012 Resident License by Fraud
		Count B:	Obtain 2012 Resident Elk Tag by Fraud
Brian B. Alvarez	2013-0041	Count A:	Take Wildlife Without Valid License (Fish)
		Count B:	Obtain 2012 Resident Fishing License by Fraud

Roll call was taken and the following were present: Gilbert Ozuna, Brian Bleyenbergh, Joseph Chavez, Fred Oslie, Roger Sikorske, and Howard Smith.

Mr. Elms stated that the civil assessment process is not intended to be punitive, but is a process allowing the Commission to recover financial damages to compensate the State for the loss of any wildlife. Hunter Education requirements are imposed as a remedial measure to increase knowledge and prevent future violations and not as punishment. The Commission was asked to consider and take action on the license revocations and/or civil assessments for the individuals listed above.

**Motion:** Mansell moved and Madden seconded THAT THE COMMISSION VOTE TO TAKE JURISDICTION IN THESE CASES.

**Vote:** Unanimous

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Gilbert Ozuna

Docket # 2013-0020

Ozuna was found guilty by the Mayer Justice Court for: Count A: Take wildlife closed season (deer); and sentenced: Suspended.

Case Officer Fousek was present via video teleconference.

Ozuna was present and addressed the Commission along with his daughter, who was present to assist with Mr. Ozuna's hearing problem. Ozuna stated that he knew he did something wrong, but that he did not lie to the Officer.

Officer Fousek was present and stated that when he first contacted the group, there were five individuals and no one stated that had had any luck. Also, statements were made that they had not fired any shots or shot at any deer. No one mentioned that there was a deer in the back of the truck.

**Motion:** Mansell moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GILBERT OZUNA TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GILBERT OZUNA TO COLLECT THE SHARED AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MULE DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE

DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Motion to Amend:** Davis moved and Madden seconded THAT THE COMMISSION VOTE TO AMEND THE MOTION TO A 4 YEAR REVOCATION PERIOD.

**Vote:** Unanimous  
4 to 0

**Amended Motion:** Mansell moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF GILBERT OZUNA TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FOUR (4) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST GILBERT OZUNA TO COLLECT THE **SHARED** AMOUNT OF \$1,500.00 FOR THE LOSS OF ONE (1) MULE DEER; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous  
4 to 0

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James J. Apodaca  
Docket # 2013-0021

Apodaca was found guilty by the Mayer Justice Court for: Count A: Take wildlife closed season (deer); and sentenced: Fined: \$513.00.

Mr. Elms stated that Mr. Apodaca was not able to attend this hearing and requested a continuance.

**Motion:** Mansell moved and Madden seconded THAT THE VOTE TO GRANT JAMES J. APODACA A CONTINUANCE.

**Vote:** Unanimous

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Brian L. Bleyenbergh  
Docket # 2013-0036

Bleyenburg was found guilty by the Wellton Justice Court for: Count A: Failure to tag immediately; Count B: Possess wildlife no valid tag attached; and sentenced: Combined fine: \$743.10.

Case Officer Urquidez was present and answered questions for the Commission.

Bleyenburg was present and addressed the Commission stating that he moved the deer without tagging it and was sincerely sorry for that. He went back in the field with friends that were hunting, but he was not hunting. Bleyenburg asked the Commission for leniency.

Commissioner Madden confirmed with Bleyenburg that when he went back out in the field he had his tag and a firearm.

**Motion:** Harris moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF BRIAN L. BLEYENBERG TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF FIVE (5) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous  
4 to 0

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Joseph M. Chavez  
Docket # 2013-0037

Chavez was found guilty by the Wellton Justice Court for: Count A: Possess wildlife without a tag attached; and sentenced: Fined: \$179.55.

Case Officer Urquidez was present via video teleconference.

Chavez was present and addressed the Commission stating that when he realized that the person who shot the deer was not going to tag it, he said he refused to take the deer in his truck. But later back at camp it was decided to give the deer to some people down the road and at that time he took the deer in his truck.

Jennifer McKenna addressed the Commission on behalf of Chavez, stating that she was there and that Chavez was truthful.

**Motion:** Madden moved and Davis seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF JOSEPH M. CHAVEZ TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous  
4 to 0

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Fred E. Oslie  
Docket # 2013-0038

Oslie was found guilty by the Yuma Justice Court for: Count A: Take wildlife without valid license; and sentenced: Fined: \$179.80.

Case Officer Nemlowill was present via video teleconference.

Oslie was present, along with his attorney and both addressed the Commission. Oslie purchased a home in Arizona in 2006 and believed that he was a resident. He was not intentionally fraudulent.

Commissioner Davis confirmed with Oslie's attorney that there were two years where Oslie had a resident license in both Arizona and California.

**Motion:** Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF FRED E. OSLIE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST FRED E. OSLIE TO COLLECT THE AMOUNT OF \$750.00 FOR THE LOSS OF FIFTEEN (15) DOVE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous  
4 to 0

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Roger J. Sikorske  
Docket # 2013-0039

Sikorske was found guilty by the Lake Havasu Justice Court for: Count A: Obtain 2010 resident license by fraud; and sentenced: Fined: \$300.00.

Case Officer Nemlowill was present via video teleconference.

Sikorske was present and addressed the Commission stating that he purchased a home in Arizona and was a resident for a couple of years and then went back to California.

Chairman Harris confirmed with Mr. Sikorske that he had purchased a resident license in Arizona and California at the same time.

**Motion:** Mansell moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF ROGER J. SIKORSKE TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST ROGER J. SIKORSKE TO COLLECT THE AMOUNT OF \$1,050.00 FOR THE LOSS OF FIFTEEN (15) DOVE AND SIX (6) QUAIL; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous  
4 to 0

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Howard B. Smith  
Docket # 2013-0040

Smith was found guilty by the Hassayampa Justice Court for: Count A: Obtain 2011 resident license y fraud; and Count B: Obtain 2011 resident elk tag by fraud; and sentenced: Combined Fine: \$1,438.00.

Case Officer Nemlowill was present via video teleconference.

Smith was present and addressed the Commission stating that he got caught trying to save some money. Smith asked the Commission to not revoke his fishing license.

**Motion:** Madden moved and Mansell seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HOWARD B. SMITH TO HUNT AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

Commissioner Davis stated that three years was fair but that it should include fish.

**Vote:** Aye - Mansell, Madden  
Nay - Harris, Davis  
2 to 2  
Motion failed

**Motion:** Davis moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF HOWARD B. SMITH TO HUNT, FISH, AND TRAP IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF THREE (3) YEARS; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Aye - Harris, Mansell, Davis  
Nay - Madden  
3 to 1

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Richard L. Thomas  
Docket # 2013-0035

Thomas was found guilty by the Wilcox Justice Court for: Count A: Possess unlawfully taken wildlife; Count B: Possess/use tag of another; Count C: Take wrong sex; Count D: Take wrong unit; and Count E: Trespass while hunting; and sentenced: Combined Fine: \$2,076.00.

Thomas was not present.

**Motion:** Harris moved and Madden seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **RICHARD L. THOMAS TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; THAT THE DEPARTMENT BE DIRECTED TO COLLECT CIVIL DAMAGES OR TO BRING CIVIL ACTION AGAINST **RICHARD L. THOMAS** TO COLLECT THE AMOUNT OF **\$1,500.00** FOR THE LOSS OF **ONE (1) WHITE TAIL DEER**; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.

**Vote:** Unanimous  
4 to 0

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Brian B. Alvarez  
Docket # 2013-0041

Thomas was found guilty by the Yuma Justice Court for: Citation 231112, Count A: Fish without a valid license; and Citation 230549, Count A: Obtain 2012 resident license by fraud; and sentenced: Combined Fine: \$593.00.

Alvarez was not present.

**Motion:** Mansell moved and Harris seconded THAT THE LICENSE(S) AND/OR LICENSES PRIVILEGES OF **BRIAN B. ALVAREZ TO HUNT, FISH, AND TRAP** IN THE STATE OF ARIZONA BE REVOKED AND HE BE DENIED ANOTHER FOR A PERIOD OF **FIVE (5) YEARS**; THAT THE CURRENT LICENSE(S) BE SUSPENDED AS OF THE DATE OF THIS HEARING, AND THAT IT/THEY BE REVOKED AS OF THE DATE THE ORDER IN THIS CASE IS SIGNED BY THE DIRECTOR; THAT HE BE REQUIRED TO COMPLETE THE HUNTER EDUCATION COURSE, AND PROVIDE PROOF TO THE DEPARTMENT'S LAW ENFORCEMENT BRANCH, BEFORE APPLYING FOR ANY OTHER LICENSE TO HUNT IN THIS STATE; AND FURTHER MOVE THAT THE DIRECTOR, AS SECRETARY TO THE COMMISSION, BE DIRECTED TO SIGN AND ISSUE A FINDING OF FACT, CONCLUSIONS OF LAW AND AN ORDER IN THIS MATTER PURSUANT TO THIS MOTION.



**Vote:** Unanimous  
4 to 0

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These hearings concluded at 3:15 p.m.

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